

ESTABLISHING A FACULTY AUTHOR RIGHTS POLICY

As the research output of University of Florida faculty increases each year, it is critical that journal publications connect with a wide range of audiences—including peer researchers, policymakers, and students—to achieve the broadest possible impact. Traditional publishing models, which typically require authors to transfer their copyright to a publisher, may prevent researchers from circulating articles to their intended audiences. International collaborators, local governments, and researchers affiliated with less-resourced institutions often lack journal subscriptions required to access this work. Such gated access can limit circulation of UF faculty research.

As one step toward addressing this challenge, the University Libraries Committee (ULC) of the Faculty Senate will formally propose passage of a UF Author Rights Policy in Fall 2021. Developed by and for faculty, this policy would broaden options for openly sharing research and strengthen potential citation impact.¹

HISTORY & BACKGROUND

In 2019, the University Libraries Committee (ULC) undertook a long-term initiative to explore a potential author rights policy. The ULC's primary goal was to develop a draft policy and outreach effort that would adapt similar policies implemented at peer institutions for the particular needs of UF faculty. The ULC also sought to address feedback from past conversations among faculty, including an informal survey conducted in 2013. Specific areas to be addressed included:

- Instituting a policy that would offer faculty maximum flexibility to share their published research without burdensome negotiation with publishers.
- Enabling faculty to deposit their research in a broad range of noncommercial venues.
- Clarifying that the policy does not limit authors' choice of journal or infringe on rights granted in the University Intellectual Property Policy.

Of our Top Ten peers, seven have instituted very similar policies to the one drafted by the ULC. This includes the [University of North Carolina at Chapel Hill](#), [Georgia Tech](#), and all [University of California](#) campuses. The University of Virginia [School of Data Science recently established a policy](#), including incentives for tenure and promotion, and UVA is exploring a campus-wide policy. Most of these institutions have labeled these “open access policies”; the ULC chose “author rights” as a better way to describe the goals and potential benefit of such a policy.

POLICY DETAILS & GOALS

The proposed policy (full text in Appendix A) adapts language first developed at Harvard University in 2008, which has widely become the template for U.S. and international institutions. Key components of this policy include:

- Faculty automatically grant a limited, nonexclusive right to their journal articles to UF. Even if a faculty author signs an agreement transferring copyright to a publisher, UF

retains rights in the article. Importantly, once the policy is approved, UF is able to grant those rights *back* to any authors who have previously transferred their copyright to a publisher.

- In practice, these provisions enable authors to share the accepted manuscript version of their articles in the [UF institutional repository](#) or any other noncommercial option of their choosing (e.g., arXiv, PubMed Central, a personal or lab website) without risk of copyright infringement. They may do this at any time after publication, regardless of individual publisher policies.
- The policy does not *require* faculty to take any action to share their articles, and authors may opt out at any time for individual articles. As described below, the opt-out process will be extremely brief and granted automatically without justification.
- The policy only applies to journal articles, not any other type of research output. Journal publishing is consistent enough across disciplines that a faculty-wide policy is realistic, where the landscape remains more complex for products such as monographs or data.

Though not explicit in the policy, guidance after passage will also include several important points:

- UF will not collect or disseminate articles without notifying the authors. This should reassure faculty authors that their work will not appear online without their knowledge.
- To minimize the risk of conflicting statements between the policy and publisher agreements, guidance will invite faculty to attach a supplemental statement to their article that notifies the publisher of the policy, upon submission or when signing the publisher agreement.
- In most cases, authors should plan to share the “accepted manuscript” version of the article. This version has undergone peer review and final edits; it simply lacks the typesetting and other publisher formatting.

OUTREACH & RECEPTION

Led by ULC co-chairs Czerne Reid and Angelos Barmpoutis and copyright librarian Perry Collins, outreach extended throughout the 2020-2021 academic year with two major components:

- **Listening tour:** Eight presentations were given to inform faculty about the proposed policy and to better understand potential concerns. Overall, participants expressed enthusiasm for the policy and its potential to broaden faculty options for sharing research. While no faculty expressed opposition to the policy, some felt their goals were already being met through existing funder policies or other options. Other faculty asked constructive questions that have been incorporated into the FAQ. The ULC specifically asked about whether the policy should apply automatically to all faculty or should be voluntary; the majority of responses expressed preference for a blanket policy and ULC members voted unanimously to propose this model.

Participating groups/units included: College of Liberal Arts and Sciences Faculty Council, College of Engineering Faculty Council, College of Veterinary Medicine Faculty Assembly, College of the Arts Faculty Council, Libraries Faculty Assembly,

College of Nursing Faculty Assembly, Faculty Senate Chairs, and Research and Scholarship Council. A conversation was also held with representatives of the United Faculty of Florida.

- **Policy website:** This resource (<https://digitalpartnerships.uflib.ufl.edu/uf-author-rights-policy/>) summarizes policy goals and offers answers to questions that arose during listening tour and ULC discussions, as well as questions reported by peer institutions with similar policies. Find attached an FAQ (Appendix B) with content included on the website.

IMPLEMENTATION

As the policy specifies, the Office of the Provost would institute and oversee the policy. The ULC proposes that the Provost designates the George A. Smathers Libraries as a proxy for day-to-day implementation. This is a common model across institutions with similar policies; establishing the policy within the Provost's Office ensures sustainability and promotes awareness, while the Libraries offer expertise and technical infrastructure.

A task force made up of librarians with knowledge of copyright law, scholarly communication, open science, and digital repositories would conduct regular outreach (e.g., at New Faculty Orientation) and respond to faculty inquiries. Following passage of the policy, the task force would notify publishers. Additionally, the Libraries would administer the opt-out process, setting up and monitoring a basic form that would allow faculty to automatically waive UF's right to their work by submitting a brief citation. The task force would also provide a progress report annually to the Provost, the ULC, and the Faculty Senate Research and Scholarship Council.

FUTURE POTENTIAL

Many discussions about the proposed policy have focused not on concerns, but rather on potential expansion to widen the impact even further. In particular, there has been some interest in allowing other groups on campus, including graduate students and research staff, to participate. Fortunately, other institutions have developed models for implementing this as a voluntary, opt-in policy for such groups. After passage of the faculty policy, the task force will connect with the Graduate Student Council and interested staff members across campus to support this option.

¹ Piwowar, H., Priem, J., Larivière, V., Alperin, J.P., Matthias, L., Norlander, B., Farley, A., West, J., & Haustein, S. (2018). The state of OA: a large-scale analysis of the prevalence and impact of Open Access articles. *PeerJ* 6:e4375. <https://doi.org/10.7717/peerj.4375>

APPENDIX A: POLICY TEXT

The Faculty of the University of Florida is committed to disseminating the fruits of its research as widely as possible. Faculty further recognize that by this policy, and with the assistance of the University, they can more easily and collectively reserve rights that might otherwise be signed away, often unnecessarily, in agreements with publishers. In keeping with these considerations, and for the primary purpose of making our scholarly articles widely and freely accessible, the Faculty adopts the following policy.

Each Faculty member grants to the University of Florida nonexclusive permission to make available scholarly articles authored by the Faculty member and to exercise the copyright in those articles. In legal terms, the permission granted by each Faculty member is a nonexclusive, irrevocable, paid-up, worldwide license to exercise any and all rights under copyright relating to each scholarly article, in any medium, and to authorize others to do the same, provided that the articles are not sold. Upon publication of a scholarly article authored by the Faculty member, the University of Florida automatically grants to the Faculty member the right to disseminate the accepted manuscript version of the article in any nonprofit repository at any time.

The policy will apply to all scholarly articles written while the person is a member of the Faculty except for any articles completed before the adoption of this policy and any articles for which the Faculty member entered into an incompatible licensing or assignment agreement before the adoption of this policy. This policy does not transfer copyright ownership, which remains with Faculty authors under existing University of Florida policy. The George A. Smathers Libraries, under authority delegated by the Office of the Provost, will waive application of the policy for any Faculty member upon request.

In consultation with the Faculty Senate and the George A. Smathers Libraries, the Office of the Provost will be responsible for interpreting this policy, resolving disputes concerning its interpretation and application, and recommending changes to the Faculty from time to time.

APPENDIX B: FREQUENTLY ASKED QUESTIONS

1. Will this proposed policy force me to publish in open access journals?

No, absolutely not. In fact, the policy is likely to be more useful to authors who typically publish in subscription journals by giving you greater freedom to share with audiences who lack access to those publications and would otherwise be unable to read your scholarship.

2. Will my publisher refuse to publish my article if they know about this policy?

These policies, sometimes known as open access policies, have been implemented for nearly 15 years and are now familiar to and accepted by most publishers. If a publisher explicitly requires that you receive a waiver of the nonexclusive license to UF, you will be able to do so with the click of a button, no questions asked. While a small number of publishers may request waivers, there is no evidence that publishers will reject articles because of the policy.

3. I already share my journal articles. Why do I need this policy?

Policies on how authors can share their own work vary by publisher and discipline. Some publishers have fairly liberal policies that let you share with other researchers, students, or post online after an embargo period. Others are silent on the topic or have more restrictive policies. This policy ensures that at minimum, you can disseminate your accepted manuscript upon publication without negotiating with your publisher.

If you're fortunate enough to feel publisher and funder policies meet your needs, consider this policy as a simple way to support colleagues without these benefits.

4. The policy requires me to give a nonexclusive license to UF. Why is this important?

This part of the policy is critical to making the rest work. Often publishers ask that you transfer copyright to them in order to publish your article. An automatic, nonexclusive license to the University ensures that even if you sign such an agreement, UF still holds the original nonexclusive license in trust. For instance, if you think of copyright as a key, you are making a copy of that key and giving it to UF for safekeeping in case you lose or give away your own copy.

5. That's a bit complicated. Have lawyers reviewed policies like this one?

Yes. As one example, Harvard's director of the Office of Scholarly Communications has [summarized a publication](#) affirming the policy's legality. The version of the policy under consideration at UF was developed in consultation with the Office of General Counsel.

6. Which version of my article am I allowed to share?

Generally, the lowest-risk option is to share the accepted or final manuscript, not the publisher's version or version of record. This usually looks like a Word document and lacks the typesetting and design elements added by the publisher.

7. How do I let my publisher know my work is subject to this policy?

Upon passage of the policy, UF will notify as many publishers as possible that these terms are in effect. We also invite authors to attach a supplemental statement to their articles, either

directly in the text or in notes to the editor or publisher at the submission or publication agreement phase: “Notwithstanding conflicting agreements, this article is subject to the University of Florida Author Rights Policy.” This is not required for the policy to take effect, but it is another tool for authors in cases where the policy and publication agreement do not align by default.

8. Where should I share my work?

The policy enables sharing in any noncommercial repository or personal website. We recommend sharing via the UF Institutional Repository for the simple reason that if questions come up, UF-based staff will be able to help more easily. However, this is not a requirement. You may wish to select a subject-based repository such as arXiv or Humanities Commons, or a funder repository such as the Department of Energy’s PAGES or NIH’s PubMed Central.

9. Can I put my work somewhere for safekeeping but delay public access?

Many repository systems include options for keeping your article private for a set amount of time. This might be useful for authors who wish to comply with publisher preferences for delaying access to accepted manuscripts, often known as “embargoes.” But the Author Rights Policy explicitly grants authors the right to share upon publication.

10. I support nonprofit and scholarly society publishers. Will this hurt them?

This policy is not meant to undermine small journal publishers or replace library subscriptions; rather, it will broaden availability of scholarship for those who are unable to access it when those subscriptions are simply out of reach. Authors who have this concern are welcome to request a policy waiver for specific articles and are encouraged to discuss policies with colleagues in scholarly societies.

11. What if my article incorporates images or figures that I did not produce?

The major question here: Did you rely on fair use to repurpose the material without permission? If so, fair use also applies when sharing your article beyond the journal publication. If you received explicit permission to use the figure only as it would appear in the journal, you might need to remove it before sharing your article text. In general, if you’re asking for permission, a good rule of thumb is to try to obtain rights to broadly disseminate the work.

12. What happens if I leave UF?

The policy applies to articles you write while at the University of Florida, so you would be able to keep sharing those articles under these terms even after you leave.